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L.J. LOHEIT, TRUSTEE  
NEIL ENMARK, #159185, attorney for Trustee  
P.O. Box 1858  
Sacramento, California 95812-1858  
(916) 856-8000

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

IN RE:	)	Case No: 10-25835-E-13L
	)	DCN: BJH-3
	)	
CARLOS GABRIEL MATOS,	)	TRUSTEE'S OBJECTION TO
	)	DEBTOR(S) MOTION TO CONFIRM
	)	
	)	DATE: MAY 25, 2010
	)	TIME: 1:00 P.M.
	)	JUDGE: SARGIS
<u>Debtor(s)</u>	)	COURTROOM: 33

LAWRENCE J. LOHEIT, TRUSTEE, objects to Debtor(s) motion as:

1. The Debtor has not provided sufficient notice to creditors as the Motion does not provide at least 42 days of notice. LBR 9014-1 allows for motions normally set on either 14 or 28 days notice unless additional notice is required by law. FRBP 2002(b) requires 28 days notice of the time period within which to object to confirmation, and G.O. 05-03, paragraph 8(a)

restricts the notice to LBR 9014-1(f)(2) which requires 14 days for other parties to respond prior to the hearing, so 42 days notice is required. Only 35 days notice has been given on this motion.

2. Debtor has failed to file a declaration in support of 11 U.S.C. § 1325(a) concurrently with this motion.

3. Debtor has failed to file a Motion to Value Washington Mutual on the second deed of trust .

4. Debtor has failed to file Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys.

5. Debtor has failed to commence plan payments and is delinquent \$4,245.00 under the plan. The next payment of \$4,245.00 will be due May 25, 2010.

6. The plan is not the Debtors best effort under 11 U.S.C. § 1325(b). The Statement of Current Monthly Income Line #59 indicates disposable net income of \$114.89 per month. Based on the applicable commitment period of 60 months, unsecured creditors are entitled to receive \$6,893.40. Debtor proposes a 0% dividend to unsecured creditors.

WHEREFORE, the Trustee requests that the motion be denied.

Dated: MAY 11, 2010

/S/ Neil Enmark  
NEIL ENMARK, Attorney for Trustee